



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

KTF/BW/DIB
F. #2024R00288

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 2, 2024

By Hand and ECF

Clerk of Court
(for forwarding to randomly assigned United States District Judge)
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

The Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
* DECEMBER 3, 2024 *
BROOKLYN OFFICE

24-CR-490
Judge Nicholas G. Garaufis
Magistrate Judge Vera M. Scanlon

Re: United States v. Timothy McCormack ("McCormack")
Criminal Docket Number To Be Assigned;
and
United States v. Jontay Porter ("Porter")
Criminal Docket Number 24-270 (LDH);
United States v. Long Phi Pham ("Pham")
Criminal Docket Number 24-359 (LDH);
United States v. Mahmud Mollah ("Mollah")
Criminal Docket Number 24-389 (LDH)

Dear Clerk of Court and Judge DeArcy Hall:

Pursuant to Rule 4 of the Rules for the Division of Business for the Eastern District of New York, the government hereby notifies the Court that the above-captioned cases (McCormack, Mollah, Pham and Porter) are presumptively related.

Rule 4(b)(1) provides for "a presumption that one case is 'related' to another when the facts of each arise out of the same charged criminal scheme(s), transaction(s), or event(s), even if different defendants are involved in each case." Rule 4(c)(1) directs the United States Attorney's Office to "give notice to all relevant Judges whenever it appears that one case may be presumptively related to another pursuant to Rule 4(b) above."

This letter constitutes the notice directed by Rule 4. McCormack, Mollah, Pham and Porter are presumptively related because the facts of their cases arise out of the same events. Specifically, McCormack, Mollah, Pham and Porter are co-conspirators in the same criminal conspiracy (the “Conspiracy”).¹

Accordingly, because McCormack, Mollah, Pham and Porter arise out of the same events, they are presumptively related. The Honorable LaShann DeArcy Hall, United States District Judge, Eastern District of New York, is the assigned judge overseeing Mollah, Pham and Porter. As such, given the above-described overlap between McCormack, Mollah, Pham and Porter, the government respectfully requests that McCormack be assigned to Judge DeArcy Hall. The government respectfully submits that such an assignment would be appropriate as it would likely result in a significant savings of judicial resources and serve the interests of justice.

Respectfully submitted,

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cc: Clerk of Court (by ECF)
Jeffrey Chartier, Esq. (by ECF and E-Mail)

¹ On June 4, 2024, the Honorable Cheryl L. Pollak, Magistrate Judge for the Eastern District of New York, signed a complaint charging four defendants, including McCormack, Mollah and Pham, in connection with their participation in the Conspiracy, in violation of Title 18, United States Code, Section 1349. See 24-MJ-404 (the “Complaint”). Porter is the individual identified as “Player 1” in the Complaint. Id. Mollah, Pham and Porter have each pleaded guilty to informations charging them with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349. They are each pending sentencing.